IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.176 of 2006
MANJU KUMARI
Versus
THE STATE OF BIHAR & ORS
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4. 21.8.2008. Heard learned counsel for the petitioner as well as opposite parties.

This Cr. Revision has been filed against the order dated 9.12.2005 passed by Sri V. P. Singh, Judicial Magistrate, Ist Class Jehanabad thereby the petition filed under Section 319 Cr.P.C. by the complainant for impleading the opposite party nos. 2 to 9 as additional accused has been rejected.

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This is a case under Section 494/120 B I.P.C. The husband and the second wife are already facing trial for the alleged offence. The petitioner wants to implicate the opposite parties in this case under Section 109 B I.P.C.

It is submitted by the learned counsel for the petitioner that there is sufficient evidence on record to put the opposite parties also for trial along with other accused persons.

On the other hand the learned counsel for opposite parties submitted that court below has rightly rejected the petition filed under Section 319 of the Cr.P.C. There is no specific allegation against these

opposite parties and there are no compelling circumstances to implead opposite parties as additional accused. This is a case of the year 2000. Eight years have already lapsed. At this stage, impleading the opposite parties as additional accused for facing trial under Section 109 B of the I.P.C. is not proper and justified.

Considered the submissions of learned counsel for both the parties and also perused the impugned order.

It is apparent that there is no specific allegation against these opposite parties. They have been sought to be impleaded as additional accused on the basis of alleged conspiracy. Apart from it, it is a matrimonial offence. The husband and the second wife are already facing trial. In other words, there is no compelling reason and circumstance to implead these opposite parties as additional accused. Court below has rightly rejected the prayer of the petitioner to implead these opposite parties as additional accused. Accordingly this Cr. Revision stands rejected.

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